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MISHLEEN EARLE

MARCH 5 (legislative day, FEBRUARY 24), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 381]

The Committee on the Judiciary, to which was referred the bill (S. 381) for the relief of Mishleen Earle, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mishleen Earle. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

STATEMENT OF FACTS

The beneficiary of the bill is an 18-year-old native and citizen of Lebanon. She was married to Bryan L. Earle in Beirut, Lebanon, on October 16, 1983, a U.S. Navy corpsman who was killed in the October 23, 1983, bombing of the Marine Headquarters in Beirut, Lebanon. Bryan had collected all the necessary forms for her permanent residence in the U.S. and returned to the barracks to complete them. Before he could return the forms, he was killed in the massacre. When his body was found, the completed papers rested in his pockets. Mishleen Earle accompanied her husband's body back to the United States for funeral services in Ohio.

A letter, with attached memorandum, dated April 2, 1985, to the Chairman of the Senate Committee on the Judiciary from the Immigration and Naturalization Service with reference to S. 381, a

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bill introduced in the 99th Congress for the relief of the beneficiary, read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, April 2, 1985.

A26-890-525.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 381) for the relief of Mishleen Earle, there is attached a memorandum of information concerning the beneficiary, who is also the beneficiary of H.R. 1429 and was the beneficiary of H.R. 5014, 98th Congress.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment, upon payment of the required visa fee. It would also direct that a visa number deduction be made.

The beneficiary, a native of Lebanon, is chargeable to the non-preference portion of the numerical limitation for immigrants.

Sincerely,

For the Commissioner
MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 381

The beneficiary, Mishleen Earle, also known as Micheline Abi Ghanem, a native and citizen of Lebanon, was born on June 18, 1967. She resides in Youngstown, Ohio. The beneficiary completed high school in Lebanon and is now attending a cosmetology school in Youngstown, Ohio. She married Bryan L. Earle in Beirut, Lebanon on October 16, 1983. He was born on September 23, 1962 in Painesville, Ohio. The beneficiary's husband was a corpsman in the United States Navy who was killed in the October 23, 1983 bombing of the Marine Headquarters in Beirut, Lebanon. This Service has no record of any petition filed on the beneficiary's behalf by her late husband. The beneficiary's parents, two brothers, and sister reside in Lebanon. Her eldest brother accompanied her to the United States. He subsequently married a United States citizen, but the marriage did not work out. Deportation proceedings have been commenced against her brother.

The beneficiary's sole source of income is obtained from a $500 monthly Veterans Administration benefit, which will continue unless she remarries. She has savings in the amount of $16,000.

The beneficiary accompanied her husband's body to the United States. He was awarded the purple heart posthumously. On November 6, 1983 she was admitted as a non-

immigrant visitor and received an extension on her visit to November 5, 1984. On February 22, 1985, the beneficiary, after briefly visiting Mexico, attempted to reenter the United States and was paroled into the United States indefinitely. Exclusion proceedings have not been commenced against the beneficiary.

Senator Howard M. Metzenbaum submitted the following information in support of his bill which was in the Congressional Record of February 5, 1985 on page S. 1033:

RELIEF OF MISHLEEN EARLE

Mr. METZENBAUM. Mr. President today I introduce this private relief legislation to grant Mishleen Earle permanent residency in the United States. There are no administrative or judicial remedies available to Mrs. Earle and no pending court proceeding to change or adjust her status. I believe the compelling facts surrounding Mrs. Earle's case will merit the granting of permanent residency.

Bryan Earle, a U.S. Navy corpsman serving his country in Lebanon, and Mishleen Abi Ghanem, a young Lebanese citizen, were married in Beirut on October 16, 1983. Two days later the newly married couple arrived at the American Embassy in Beirut where Mr. Earle began to file a petition on his new wife's behalf for permanent residency in the United States. The young couple anticipated that Mishleen would travel to the United States and reside safely there until they could be reunited after Mr. Earle's tour of duty in war-torn Lebanon was completed.

Tragically, Mr. Earle was killed 5 days later in the terrorist bombing of the Marine headquarters in Beirut. Mrs. Earle accompanied her husband's body back to the United States for the funeral services in his hometown of Painesville, OH. She wishes to remain in her husband's country, which he served so bravely. However, the Immigration and Naturalization Office has sadly informed Mishleen that her petition for permanent residency died along with her husband. Also, because she has no immediate relatives who are American citizens and because her visitor's visa had expired, she will have to return to Lebanon and its war unless this legislation is enacted.

Mr. Earle was serving the United States as a member of the peacekeeping force in Beirut. He was not there for his own personal reasons; he was in Lebanon because his duty to his country required him to be there. If he had filed the petition for Mishleen at any Immigration and Naturalization Office in the United States, she would have walked out of that office, that day, with a stamp in her passport authorizing her to remain and work in the United States pending a routine investigation. Instead, the Earles became victims of circumstances, circumstances which neither of them chose. They visited the Embassy to complete the necessary forms. Because of the large number of other persons at the Embassy with their own requests, Mr. Earle

collected all the necessary papers for permanent residency and returned to the barracks to complete them. He planned to return them to the Embassy in the coming days. Before he could return the forms, he was killed in the massacre. When his body was found among the rubble of the explosion, the completed papers rested in his pocket.

Mr. President, I introduce this private relief legislation to grant Mrs. Mishleen Earle permanent residency in the United States so that she may have the opportunity and honor of remaining in Bryan Earle's native country that he served with such dignity. This is how he wanted it.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact, inasmuch as it affects just one individual.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 381) should be enacted.

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